



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF M-US, INC.

DATE: SEPT. 8, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a cosmetics importer and retailer, seeks to permanently employ the Beneficiary as a senior graphic designer. It seeks to classify the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. *See* Immigration and Nationality Act (the Act) § 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). This classification allows a U.S. employer to sponsor a professional with an advanced degree.

The Director, Texas Service Center, denied the petition on April 22, 2015. The Director concluded that the record did not establish the Beneficiary's qualifying experience for the offered position or the requested classification.

The matter is now before us on appeal. The Petitioner submits additional evidence and argument in support of the Beneficiary's qualifying experience. Upon *de novo* review, we will sustain the appeal.

Upon review of the entire record, including evidence submitted on appeal and in response to our notice of intent to dismiss of December 11, 2015, a preponderance of the evidence establishes the Beneficiary's possession of the qualifying experience for the requested classification and as specified on the accompanying labor certification by the petition's priority date. We will therefore sustain the appeal.

The record further establishes the eligibility of the Petitioner and the Beneficiary for the requested immigration benefit. We will therefore also approve the petition.

ORDER: The appeal is sustained.

Cite as *Matter of M-US, Inc.*, ID# 15122 (AAO Sept. 8, 2016)